IN THE HIGH COURT OF JUDICATURE AT BILASPUR

(CHHTTISGARH)

WRIT PETITION NO. 2485 /2003

PETITIONER : Satyadeo Mishra , s/o Shri Aadhya Prasad Mishra, aged about 50 years, occupation service, Clerk Jila Sahkari Bhumi Vikas Bank Maryadit Bilaspur, r/o Jabdapara Road, Naya Sarkanda, Bilaspur , District Bilaspur (Chhattisgarh)

P. R. No. 23981 to 2 Presented by Shri S. Verma dated 29.05.03

VERSUS

RESPONDENTS: 1. Jila Sahkari Krishi and Gramin Vikas Bank Maryadit Bilaspur, through it's General Manager, Head Office at Mungeli Naka, Bilaspur (Chhattisgarh)

2. Deputy Registrar, Co-operative Societies, District Bilaspur(Chhattisgarh)

[redacted] and Recovery Officer, Cooperative Societies, District Bilaspur (Chhattisgarh)

[redacted]LE 226 OF THE CONSTITUTION OF [redacted] IN THE NATURE OF MANDAMUS, [redacted]D FOR OTHER SUITABLE WRIT OR [redacted]CTION OR DIRECTIONS

1. PARTICULARS OF THE PETITIONER : As detailed in the cause title above.

2. PARTICULARS OF THE RESPONDENT: As detailed in the cause title above.

3. PARTICULARS OF THE ORDER AGAINST WHICH THE PETITON IS BEING MADE (SUBJECT MATTER IN BRIEF) : That the present petition is not being made against any particular order but is being made being aggrieved by the inaction on part of the respondent no. 2 in not deciding the representation of the petitioner and action of the respondent no. 1 not paying the arrears of the back wages to the petitioner. The petitioner who was employee of the respondent no. 1 Bank was terminated from the Bank in the year 1979 against which he approached the Deputy Registrar. The Deputy Registrar decided the

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

(CHHTTISGARH)

WRIT PETTITION NO. 24

PETITIONER : Satyadeo M
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Maryadit H
Sarkanda,
(Chhattisg

P. R. No. 23/9/03
Presented by Shri S. Verma
dated 29.9.03

VERSUS

RESPONDENTS: 1. Jila Sahk
Maryadit
Manager,
Bilaspur

2. Deputy

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Sahakari Krishi Evam Gramin Vikas
Janjgir, Distt. Janjgir-Champa (C.G.)

Amendment inserted as per court order dated

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2. PARTICULARS OF THE RESP
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3. PARTICULARS OF THE ORI
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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2485 of 2003

Petitioner Satyadeo Mishra

Versus

Respondents Jila Sahkari Krishi Evam Gramin Vikas Bank and others.

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Ajay Dwivedi, counsel for the petitioner.

Shri Rajeev Shrivastava, counsel for respondent No.1.

Shri Rakesh Anthony, counsel for respondent No.4.

Shri P.S. Koshy, Deputy Advocate General for respondents No.2 and 3.

ORAL ORDER

(15th February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was working on the post of clerk in the Respondent/Bank. The services of the petitioner was terminated by order dated 11.9.79. The petitioner has moved the authorities under the provisions of M.P. Cooperative Societies Act 1960. The Deputy Registrar by order dated 16.8.1984 declared the termination order of the petitioner as invalid and directed the respondent No.1 to reinstate the petitioner in service with all consequential benefit.
2. The Joint Registrar, by order dated 14.10.91, up-held the findings and order passed by the Deputy Registrar, and dismissed the appeal with some modification to the extent that the respondent bank would reinstate the petitioner into his service without payment of back wages and allowances on the basis of principles of 'no work no pay'.
3. The Board of Revenue in appeal filed by the Bank as well as petitioner by order 26th March, 1999, allowed the appeal of the petitioner herein and dismissed the appeal filed by respondent bank restoring the order passed by Deputy Registrar.

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4. Thereafter the Respondent/Bank preferred writ petition under Article 226/227 against order passed by the Board of Revenue, being W.P. No.3225/99 in the High Court of Judicature, at Jabalpur. By order dated 27.9.1999 said writ petition of the Respondent/Bank was dismissed in limine.

5. Thereafter the petitioner filed an application before the Deputy Registrar Cooperative Societies under Section 85 of M.P. Cooperative Societies Act 1960 for recovery of the back wages due to the petitioner. The said application (Annexure P-13) is still pending for consideration before the Deputy Registrar, Cooperative Societies.

6. In view of the fact that petitioner has succeeded in the judicial proceedings which culminated to the order dated 27.9.1999 of the High Court of M.P. in W.P. No.3225/99, the petitioner has filed this petition seeking a direction against the Deputy Registrar to issue recovery certificate.

7. In the facts and circumstances of the case, the Deputy Registrar is directed to consider and decide the application filed by the petitioner on 1.2.2002 and pass appropriate order in accordance with law within a period of six weeks from the date of receipt/production of a copy of this order.

8. In view of the foregoing petition stands disposed of. No order as to costs. However, the petitioner is at liberty to file fresh application bringing into notice of Deputy Registrar about the subsequent development to the effect that respondent No.1 has been reorganized by the order dated 12th November, 2001, (Annexure R-1). The petitioner is further at liberty to claim interest and cost in accordance with law.

Sd/-
Satish K. Agnihotri
Judge